

FILED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

MAR 05 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

STACY BOYCE

CASE NUMBER: 08 CR 50011

I, the undersigned complainant, being duly sworn on oath, state that the following is true and correct to the best of my knowledge and belief:

On or about 08/31/2007, in Winnebago County, in the Northern District of Illinois, Western Division, and elsewhere, Stacy Boyce, defendant herein, did remove a child from the United States with the intent to obstruct the lawful exercise of parental rights, specifically the parental rights of Matthew Clayton, in violation of Title 18, United States Code, Section 1204.

I further state that I am a Special Agent with the FBI and that this complaint is based on the facts contained in the Affidavit and its Exhibits which are attached hereto and incorporated herein.



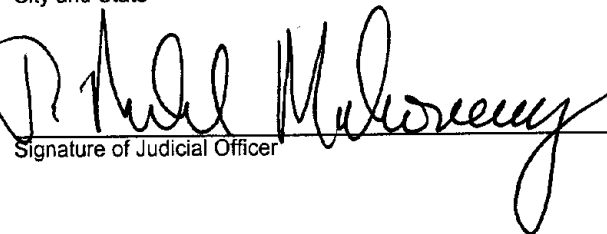
Signature of Complainant
Susan Hanson
FBI Special Agent

Sworn to before me and subscribed in my presence,

March 5, 2008
Date

at Rockford, Illinois
City and State

P. MICHAEL MAHONEY, U.S. Magistrate Judge
Name & Title of Judicial Officer



Signature of Judicial Officer

State of Illinois)
) SS
County of Winnebago)

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Susan Hanson, a Special Agent with the Federal Bureau of Investigation (FBI), being duly sworn, depose and state as follows:

AFFIANT'S BACKGROUND

1. I have been employed as a Special Agent for eleven years and am currently assigned to the Rockford Resident Agency, Chicago Division, Rockford, Illinois. As a federal agent, I am authorized to investigate violations of United States law. Since joining the FBI, I have investigated violations of various federal laws.

FACTS AND CIRCUMSTANCES

2. The information in this affidavit is based upon my own investigation and personal knowledge, information received from other law enforcement agents, and my experience and training. References by me to filings in a court are based on my review of the filed document. Since this affidavit is being submitted for the limited purpose of supporting a Criminal Complaint against Stacy Boyce, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that Stacy Boyce has violated Title 18, United States Code, Section 1204.

STATUTORY AUTHORITY

3. This investigation concerns the alleged violation of Title 18, United States Code, Section 1204, that is, the removal of a child from the United States with the intent to obstruct the lawful exercise of parental rights.

BACKGROUND OF THE INVESTIGATION

4. On September 25, 2007, Matthew Clayton (hereafter "Clayton"), reported to the Rockford, Illinois Police Department that his six-year-old son, who will be referred to herein by his initials, DBC, had been picked up from a visitation by his estranged wife, Stacy Boyce (hereafter "Boyce"), on August 30, 2007, and not returned. Clayton had filed a petition for dissolution of marriage on November 29, 2005, in the Circuit Court of the 17th Judicial District, Winnebago County, Illinois ("17th Dt.Cir.Ct."), and although the divorce was not then final, a court order was filed on October 13, 2006, that granted visitation rights to Clayton. After Boyce disappeared with DBC, the 17th Dt.Cir.Ct. granted sole temporary custody of DBC to Clayton on September 13, 2007.

5. On October 15, 2007, a state warrant was issued by the 17th Dt.Cir.Ct. for Boyce's arrest on the charge of failure to appear in court. On October 17, 2007, a judgment for dissolution of the marriage of Clayton and Boyce was entered in the 17th Dt.Cir.Ct. This order awarded sole custody of DBC to Clayton. Also on that date, Clayton's Verified Petition for Order of Protection was filed and granted

in the same case. The Order required that Boyce stay away from Clayton and DBC.

6 On November 29, 2007, Linda Jacob (hereafter "Jacob"), who is Boyce's mother, was deposed at the office of Clayton's attorney. In her deposition, Jacob stated that she believed Boyce took DBC to Shanghai, China, at the end of August, 2007, and was living with him there. Jacob provided a copy of a credit card statement for a card she had loaned to Boyce. The statement shows a charge for airline tickets for Boyce and DBC purchased on August 29, 2007 from Korean Air, that had a final destination of Shanghai, China. Jacob also provided an address for Boyce at XIAWAI International School, Grade 1, Class 6, Apartment Building 24, Apartment 401, Sonjong District, Shanghai 201602, Peoples Republic of China.

7. In an interview of Jacob by the undersigned affiant on December 7, 2007, Jacob stated she did not then know where Boyce and DBC were because she has not heard from them since October 2007. She said she had telephone contact with her daughter, who claimed to be working as an English instructor for a school in Shanghai, China, although Boyce does not speak Chinese. Jacob also stated DBC is a picky eater, and that Boyce had asked her to send food items such as A-1 Steak Sauce to them. In e-mail communications with Jacob on October 17, 2007, Boyce acknowledged receiving a package from Jacob. Boyce also expressed

concern about the inadequate heating in their apartment, which would worsen once the weather turned colder. In her deposition, Jacob had stated that she had not sent a package to Boyce, but that her husband, Steve Jacob, had sent it. Jacob later contradicted that, stating she had mailed a box to Boyce. Jacob stated that she did not know how Boyce could support herself and DBC, and did not believe they had the means to return to the United States.

8. The following is part of the information obtained in an interview of Clayton by the undersigned affiant on December 10, 2007:

a. Clayton met Boyce in 1999 and became romantically involved with her. He was unaware she was married to Ronald Deabler at that time. Boyce became pregnant with DBC within one month of the start of her relationship with Clayton and wanted to have an abortion. Clayton would not support the decision. According to Clayton, Boyce attempted to abort the fetus herself about five months into the pregnancy, first by taking drugs and drinking until she lost consciousness, then by attempting to crash the vehicle she was driving with Clayton, and her son by Ronald Deabler, who will be referred to as "MB," inside.

b. Boyce gave birth to DBC on September 23, 2001. Clayton and Boyce lived together intermittently from the beginning of their relationship until they married in February 2004. Clayton described their relationship as very turbulent. Clayton had suffered a back injury, so he stayed home and cared for DBC and MB.

Throughout the relationship Boyce frequently kicked Clayton out of their residence. Clayton and Boyce separated in November 2005.

c. Clayton was arrested by the Rockford Police Department in May, 2004 for damage to property in a domestic incident with Boyce. Clayton stated he went for a walk and upon returning to the residence found Boyce had locked him out. He further stated that he rapped on the glass of the door with his wedding ring, which broke one pane of glass. When police arrived, Clayton asked to go to jail rather than stay with Boyce. A query of the Law Enforcement Automated Database System confirmed an arrest of Clayton by the Rockford Police Department for "Knowingly Damage Property," on May 29, 2004. Clayton was sentenced to 12 months supervision and fined \$179.00. Queries of the National Crime Information Center and the Law Enforcement Automated Database System were negative for other criminal arrests of Clayton. Clayton denied causing physical harm to Boyce.

d. Clayton stated he tried to be as accommodating as possible for Boyce's visitation with DBC. He stated that whenever possible he took care of DBC, and was flexible with Boyce's schedule. Clayton stated that in June 2007, Boyce told Clayton she was traveling to China for her brother's wedding and wanted to take DBC with her. Clayton denied permission to take DBC to China. According to Jacob, there was no wedding in China; Boyce's only brother then resided and still

resides in Florida. In late July or early August 2007, Boyce told Clayton her sister Stephanie was going to be married in Mexico and asked if she could take DBC with her to the wedding. Clayton recalls signing a document which was later notarized permitting Boyce to take DBC to Mexico for vacation purposes only. A copy of a document fitting this description by Clayton was obtained from the United States Department of State Diplomatic Security Service. According to Jacob, Stephanie married in Las Vegas on November 23, 2007. Jacob intended to take Boyce to Stephanie's wedding in Las Vegas, and had arranged to do so in July, 2007. She had then informed Boyce she was included in the wedding preparations. In an email from Boyce to Jacob dated October 17, 2007, Boyce expressed resentment towards Jacob for including her in the wedding plans without first asking her if she wanted to attend.

9. In an interview of Ronald Deabler by the undersigned affiant on December 21, 2007, Deabler stated that he and Boyce had a son, MB, on April 10, 1998. They married in July, 1998, but filed for divorce in the 17th Dt.Cir.Ct. five months later. Boyce maintained custody of MB until she and Clayton separated. Deabler knew Clayton was responsible for the care of MB while MB was with Boyce. Deabler stated that after Clayton and Boyce separated, Boyce failed to take proper care of MB, including her failure to ensure he attended school. Deabler petitioned for sole custody of MB at the end of 2005, which was granted July 3,

2006. In June 2007, Boyce took MB for a court authorized weekend visitation and refused to return him to Deabler. An Emergency Order of Protection was obtained by Deabler on MB's behalf in the 17th Dt.Cir.Ct. and on June 27, 2007, deputies from the Winnebago County Sheriff's Office took custody of MB pursuant to court order and returned him to Deabler.

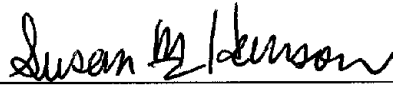
10. In the course of Deabler's custody dispute with Boyce, Clayton was subpoenaed to testify. Boyce made almost simultaneous allegations against Clayton to the Illinois Department of Children and Family Services (DCFS), accusing Clayton of sexual misconduct with DBC and MB. In June, 2006, Clayton received a letter from DCFS dated June 15, 2006, which stated the allegations against Clayton were unfounded. Clayton has denied he caused any sexual or physical harm to MB or DBC.

11. Boyce has a third child, who will be referred to by the initials "AM." AM is sixteen years old and has been in the custody of Linda Jacob for approximately ten years. Jacob stated Boyce was too immature to raise AM when she was born and never bonded with the child the way Jacob did.

12. On January 27, 2008, Clayton was contacted by the undersigned affiant and stated he has had no further contact from Boyce. On January 31, 2008 Jacob was contacted by the undersigned affiant and stated she also had no further contact with Boyce.

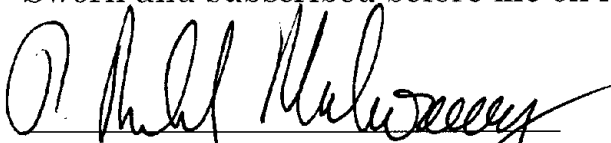
CONCLUSION

13. Based on the aforementioned factual information, I respectfully submit that there is probable cause to believe that Stacy Boyce removed a child, specifically DBC, from the United States with the intent to obstruct the lawful exercise of parental rights by Matthew Clayton, and I will swear to a Criminal Complaint against Stacy Boyce for this criminal violation.



Susan Hanson
Special Agent
Federal Bureau of Investigation

Sworn and subscribed before me on March 5, 2008.



P. MICHAEL MAHONEY
United States Magistrate Judge